IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.2115 OF 2000

Mrs.Rajmani R. Nair Plaintiff

versus

Smt.Smita Subhash Patil
and another Defendants

Mr.L.G.Watgaonkar for plaintiff.
Mr.Vilas Mali for defendant.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 12th July 2005
PC :

1. On 14th June 2005 I had passed an order recording a statement of defendants to this effect that they would deposit a sum of Rs.15,000/- within a period of two weeks in this Court. At their request, passing of a decree was deferred.

2. Learned advocates appearing for plaintiff and defendants inform me that the amount of Rs.15,000/- is deposited in Court. Mr.Mali appearing for defendants states that the defendants would pay the balance in instalments of Rs.15,000/- each. The balance amount is Rs.45,000/-. Defendants state that next instalment of Rs.15,000/- would be deposited by 10th August 2005 and the balance sum of

Rs.30,000/- would be paid in two instalments payable on 10th October 2005 and 10th December 2005 respectively. On these terms, the defendants submit to a decree on admission. Mr.Mali states that the decree be marked fully satisfied on payment of Rs.60,000/- in the manner stated above. Mr.Watgaonkar appearing for plaintiff has no objection to these terms.

3. Mr.Mali on instructions from defendants who are present in the Court, makes a further statement that any default in payment of the instalment of 10th August 2005 or 10th October 2005 or 10th December 2005 would result in suit being decreed as prayed and it would be open for the plaintiff to recover the balance amount then outstanding with interest by executing the decree in accordance with law.

4. There will be a Decree on Admission in above terms. Refund of court fees and computation of advocates' costs as per rules. It would be open to the plaintiff to withdraw the sum of Rs.15,000/- deposited in this Court. Equally, it would be open for the plaintiff to apply for withdrawal of the further amounts as and when they are deposited.

(S.C.DHARMADHIKARI, J.)